

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER LYNN, JR.,)	
)	
Plaintiff,)	2:05cv884
)	Electronic Filing
v.)	
)	
WESTPORT INSURANCE CORPORATION,)	JUDGE CERCONE
)	MAGISTRATE JUDGE HAY
Defendant.)	

MEMORANDUM ORDER

AND NOW, this 31st day of July, 2006, after the plaintiff, Walter Lynn, Jr., filed an action in the above-captioned case, and after a Motion for Summary Judgment was submitted by the defendant, Westport Insurance Corporation, and after plaintiff filed a Motion for Summary Judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response thereto filed by the defendant, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendant's Motion for Summary Judgment [Document No. 13] is GRANTED and the plaintiff's Motion for Summary Judgment [Document No. 15] is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read 'D. Stewart Cercone', written over a horizontal line.

DAVID STEWART CERCONI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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